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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,615	11/15/2001	Takeshi Tajima	04329.2697	7417

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

CHUNG, JI YONG DAVID

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,615

Applicant(s)

TAJIMA ET AL.

Examiner

Ji-Yong D. Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/13/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Remarks

1. Applicant's arguments and amendments filed on April 13, 2005 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained below, necessitated by Applicant's amendment (i.e., *new claims require further search and consideration.*)

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 10 and 13-15** are rejected under 35 U.S.C. 102(e) as being anticipated by Falcon et al (U. S. Pat. No. 6,295,556, Falcon hereinafter.)

With regard to **claim 10**, Falcon discloses *a communication device switching control system comprising:*

a registry configured to store operational state information concerning each of plurality of communication devices connected to the switching control system [See from line 64, column 5 to line 14, column 6];

a switching module configured to change the operational state information in the registry
[Fig. 6 shows “a switching module” User Interface, which can be used to select and change one of the communication devices. Also see lines 1-5, column 6 and lines 29-44, column 6];

a hardware control section configured to control the plurality of communication devices in accordance with the changed operational state information stored in the registry and adding or deleting communication devices without stopping the operational system [Fig. 6 shows connection manager’s User Interface, which can be used to select one of communication devices. As part of “a hardware control section” (see also lines 29-43, column 6) the new connection Wizard adds communication devices. See lines 13-14, column 6; the computer does not have to be restarted (“without stopping the operational system.”)].

Claim 13 substantively cites the limitations of claim 10 and but in method form rather than in apparatus form. The reasons for the rejections of claim 10 apply to claim 13, and therefore, the claim 13 is rejected for substantively the same reasons.

With respect to **claim 14**, Falcon shows a method *wherein while each of the communication devices is temporarily stopped, a message that each of the communication device is temporarily stopped is offered to a user*. In Fig. 11, the notification represented by step 1106 indicates the device is “not available” (therefore stopped). Notification represented by step 1110 asks which one of the devices (which are not in use and thus “stopped”, to use).

Claim 15 substantively cites the limitations of claim 10, but with “computer code device” replacing many of the words in the limitations of claim 10. The reasons for the rejections of claim 10 apply to claim 15, and therefore, the claim 15 is rejected for substantively the same reasons.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 11, 12, 16, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Falcon in view of Frailong et al (U. S. Pat. No. 6,230,194, Frailong hereinafter.)

With regard to **claim 11**, Falcon teaches part of the system according claim 10, *wherein:*
the switching module changes the operational state information in the registry to temporarily stop each of the plurality of communication devices [Fig. 6 shows “a switching module” User Interface, which can be used to select and change one of the communication devices. Also see lines 1-5, column 6 and lines 29-44, column 6].

the switching module changes the operational state information in the registry to start at least one of the plurality of communication devices after each of the plurality of communication devices is stopped [Fig. 6 shows “a switching module” User Interface, which can be used to

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select and change one of the communication devices. Also see lines 1-5, column 6 and lines 29-44, column 6].

Falcon does not show suspension of the network devices during reconfiguration as well as writing of data.

Frailong shows:

the hardware control section *temporarily stops each of the plurality of communication devices* [the gateway interface device is rebooted to be in the upgraded state. During the reboot the system is “stopped.” See lines 23-35, column 16]; *and*

hardware control section *thereafter starts the at least one of the plurality of communication devices* [See lines 23-35, column 16. After the reboot, gateway device interface is restarted].

Frailong also shows writing of the post-installation information in lines 36-46, column 7 as the upgrade status (“operational state information.”)

It would have been obvious to one of ordinary skill in the art at the time of the invention to stop and start network interfaces, as suggested by Frailong, for the purposes of implementing changes that are reflected in the registry, because making the network interfaces or devices unavailable for use during the update process allows the system to conveniently maintain the consistent state of the devices during the upgrade.

With respect to **claim 12**, Falcon shows a notification device (means for performing step 1106, Fig. 11 or means for performing step 1110, Fig. 11) *configured to notify a user that each of*

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the communication devices is temporarily stopped while each communication device is temporarily stopped. Notification means represented by step 1106 indicates the device is “not available” (therefore stopped). Notification means represented by step 1110 asks which one of the devices (which are not in use and thus “stopped”, to use).

Claims 16 and 17 substantively cite all the limitations of claims 11 and 12, but with “computer code device” replacing many of the words in the limitations of claims 11 and 12. The reasons for the rejections of claims 11 and 12 apply to claims 16 and 17, and therefore, the claims 16 and 17 are rejected for substantively the same reasons.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

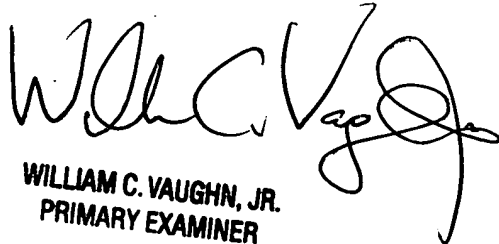
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji-Yong D. Chung whose telephone number is (571) 272-7988. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ji-Yong D. Chung
Patent Examiner
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WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER

APC